

1 **4-961. Petition for order of protection from domestic abuse.**

2 [Family Violence Protection Act,
3 Sections 40-13-1 to 40-13-8 NMSA 1978]

4 STATE OF NEW MEXICO

5 COUNTY OF _____

6 _____ JUDICIAL DISTRICT COURT

7 _____, Petitioner

8 v. No. _____

9 _____, Respondent

10 **PETITION FOR ORDER OF PROTECTION**
11 **FROM DOMESTIC ABUSE¹**

12 **1. COURT ASSISTANCE REQUEST**

13 We will need an interpreter in _____ to translate at hearings for me
14 the respondent.

15 We will need _____ (*describe other request for special help*).

16 **2. INFORMATION ABOUT THE RESPONDENT** (*the person I am filing against*)

17 A. The respondent is:

18 my husband or my wife

19 my ex-husband or my ex-wife

20 the parent of my [child] [children]

21 a family member _____ (*describe the family*
22 *relationship*)

1 [] a person with whom I have had a continuing personal relationship
2 _____ (*describe the relationship*)

3 [] a person who has sexually assaulted me

4 [] a person who has stalked me

5 B. The respondent has the following [~~weapons~~] firearms (make/model):

6 _____
7 _____
8 _____

9 (use additional page if needed)

10 **3. INFORMATION ABOUT [CHILD] [CHILDREN]²**

11 A. List minor [child] [children] of either party, even if from another relationship.

Relationship of [Child] [Children]			
Name	Date of Birth	To You	To Respondent
14 _____	_____	_____	_____
15 _____	_____	_____	_____
16 _____	_____	_____	_____
17 _____	_____	_____	_____
18 _____	_____	_____	_____

19 B. List address and with whom the [child] [children] are currently living. (*List each*
20 *child separately if [child] [children] do not reside with same person.*)

21 _____
22 _____

1 C. List each address where [child] [children] have lived during the last five (5)
2 years. *(List each child separately if [child] [children] did not reside with same person.)*

3 _____
4 _____

5 D. Does anyone else have physical custody of the [child] [children] or claim to have
6 custody or visitation rights? [] yes [] no

7 *If yes, complete the following for the [child] [children]:*

8 Child's name	Person claiming rights
9 _____	_____
10 _____	_____

11 E. Describe how often the [child] [children] have been with the other party during the
12 past six (6) months.

13 _____
14 _____
15 _____

16 **4. OTHER CASES**

17 []The following divorce, separation, order of protection, child support, paternity, abuse or neglect
18 cases have been previously filed by me, the respondent or the state:

19 Type of Case	Year Filed	Case Number	Where Filed
	<i>(if known)</i>	<i>(if known)</i>	<i>(city and state)</i>
20 _____	_____	_____	_____
21 _____	_____	_____	_____
22 _____	_____	_____	_____

23 **5. DOMESTIC ABUSE**

1 A. The respondent committed the following act(s) of domestic abuse against me or a
2 member of my household: *(describe in detail what happened to you or to a member of your*
3 *household and when and where.)*

4 **Physical abuse:** _____.

5 **Threats which caused fear that you or any household member would be injured:**_____

6 _____.

7 **Other abuse:** _____.

8 **Date of abuse:** _____.

9 **Place of abuse:** _____.

10 B. Respondent is a credible threat to my physical safety because: _____

11 _____.

12 ~~B.~~C. Others present during the abuse: _____.

13 ~~C.~~D. Did drugs or alcohol play a role in the domestic abuse? [] yes [] no

14 ~~D.~~E. Were weapons used during the abuse? [] yes [] no

15 If yes, ~~what~~ describe the weapons?

16 ~~E.~~F. Has there been prior domestic abuse? [] yes [] no

17 [continuation sheets to be inserted here]

18 **6. REQUESTS TO THE COURT**

19 I REQUEST THAT THE COURT ORDER *(check all that you want):*

20 [] A. that the respondent not contact me, not abuse me, and that the respondent stay away
21 from my residence [and] [place of employment] [and] [school].

22 [] B. (1) that the respondent shall immediately leave [] my [] our residence at

23 _____.

1 (2) that the respondent provide me with temporary suitable alternative housing.

2 C. that the respondent shall not sell, remove, pawn, hide, destroy or damage any property
3 owned by me or the two of us jointly.

4 D. that law enforcement officers assist me in retrieving my clothing and personal
5 belongings from the residence at _____.

6 E. that I be given temporary custody of the [child] [children] listed in this petition.

7 F. that until the court hearing:

8 respondent shall have the following contact with the [child] [children]:

9 _____

10 _____ respondent shall have no
11 contact with the [child] [children].

12 G. that the respondent shall pay:

13 support for the [child] [children].

14 support for me.

15 H. that the respondent shall pay me for the damage and medical bills resulting from the
16 abuse.

17 I. other relief that is necessary to resolve this domestic abuse problem (*list or describe*
18 *what relief is necessary*)

19 _____

20 _____.

21 J. the respondent be found to be a credible threat and be required to deliver any firearm
22 in the respondent's care, custody, or control to a law enforcement officer or a federal firearms
23 licensee.

1 **7. INFORMATION ABOUT THE PETITIONER (ME)**

2 *(If you do not want the respondent to know your address and phone number, do not include it on*
3 *this form. Tell the court clerk that you need to complete two other forms (Forms 4-961A and 4-*
4 *961B NMRA) for your name and address and request that the clerk place your address under seal.)*

5 **A. I DO NOT WANT RESPONDENT TO KNOW MY ADDRESS NOW OR**
6 **AFTER THE HEARING FOR THE FINAL ORDER OF PROTECTION. I HAVE**
7 **COMPLETED FORM 4-961B AND GIVEN IT TO THE COURT CLERK.**

8 OR

9 B. My physical address is: _____ in the County
10 Indian Country of _____, State of New Mexico.

11 My mailing address *(if different from above)* ~~is~~:

12 _____

13 *(street address)*

14 _____

15 *(city and zip)*

16 My telephone numbers are:

17 Home Work Message

18 _____

19 **8. NOTICE TO RESPONDENT**

20 A. I have not told respondent that I am filing a petition to ask the court for an order of
21 protection because I believe irreparable harm would result if I told respondent before coming to
22 court. *(Describe what might happen to you or what you are afraid might happen if the respondent*
23 *knew you were asking for a court order of protection.)*

1 _____

2 _____.

3 B. I have told respondent that I am filing this petition.

4 **9. LOCATION OF RESPONDENT**

5 A. Respondent may be found at:

6 _____ (*address*)

7 _____ (*city*)

8 _____ (*state and zip code*)

9 _____ (*if in Indian Country, please name tribe or pueblo*).

10 Respondent's:

11 _____ (*date of birth*)

12 _____ (*home telephone number*)

13 _____ (*work address*)

14 _____ (*work telephone number*).

15 B. Is respondent in jail? yes no

16 **VERIFICATION**

17 I, the Petitioner, affirm under penalty of perjury under the laws of the State of New Mexico
18 that I am the Petitioner in the above-entitled cause; that I have read the petition for order of
19 protection from domestic abuse; and that the contents of the petition are true and correct to the best
20 of my information and belief.

21 _____

22 *Date*

Signature of Petitioner

23 **USE NOTE**

1 1. Petitioner should complete all information known by the petitioner.

2 2. This part must be completed if there are children. NMSA 1978, Section 40-10A-
3 209 of the Uniform [~~Child-Custody~~] Child Custody Jurisdiction Enforcement Act requires the first
4 pleading of every custody action to give information as to the child's present address, the places
5 where the child has lived within the last five (5) years and the names and present addresses of the
6 persons with whom the child has lived during that period. If a child lives with you now, but you
7 do not want the respondent to know your address, do not put your current address here, but do fill
8 out Forms 4-961A and 4-961B NMRA.

9 3. Use Notes 1 and 2 are to be printed on pre-printed forms published for use by pro
10 se petitioners. This note and Use Note 4 should not be printed on the form. This form has been
11 approved by the Supreme Court of New Mexico for use in the courts of this state and distribution
12 pursuant to NMSA 1978, Section 40-13-3. Pre-printed pro se forms should include a lined blank
13 page at the end of the form for use by the petitioner if the pre-printed form does not include
14 adequate space for a complete answer to a question.

15 4. NMSA 1978, Section 40-13-3.1(A)(4) provides that a victim in a domestic abuse
16 case shall not be required to pay for "the filing, issuance or service of a petition for an order of
17 protection."

18 [Approved, effective November 1, 1999 until July 1, 2001; approved, as amended, effective May
19 1, 2001; as amended, effective February 16, 2004; as amended by Supreme Court Order No. 08-
20 8300-40, effective December 15, 2008; as amended by Supreme Court Order No. 14-8300-023,
21 effective for all pleadings and papers filed on or after December 31, 2014; as amended by Supreme
22 Court Order No. 19-8300-009, effective for all petitions filed on or after July 1, 2019.]